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EXAMINER

PHAN, TRI H

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary	Application No. 10/618,266	Applicant(s) SUOMI, ARTO	
	Examiner Tri H. Phan	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on March 3rd, 2005.

Claims 1-10 are now pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by **Josse et al.** (U.S.6,104,929).

- In regard to claim 1 and 5, **Josse** discloses about the *method for use by the user equipment device 'MS' enabled for communication with other telecommunication devices via the network including the radio access network and providing general packet radio service 'GPRS', the method for use by the UE device in responding to a message from the network indicating a change in a service access point identifier (SAPI; For example see Table 3) connection from an old SAPI to a new SAPI (For example see Figs. 1-2; col. 1, line 21 through col. 2, line 14), the method characterized by the step, responsive to an indication from the network of a change from the old SAPI to the new SAPI (Attach Request message; For example see Figs. 3-3A, 4-4A; col.*

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3, lines 24-40), *of setting the timer for a period of time* (timer; For example see col. 12, lines 35-45); *and the step of terminating the old SAPI* (For example see col. 12, lines 45-46; col. 13, lines 17-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Suumäki et al.** (U.S. 6,590,905).

- In regard to claims 1 and 5, **Suumäki** discloses in Figs. 1-12 and in the respective portions of the specification about the system and method for changing parameters and improving the XID parameter renegotiation, during the connection in both the General Packet Radio Service ‘*GPRS*’ and the proposed Universal Mobile Telecommunications System ‘*UMTS*’ (“*radio access network*”) for mobile telecommunication (For example see Figs 1A-B, 2A-B; Abstract; col. 1, lines 12-43), by changing indicator usage (“*indication for changing the SAPI connection*”; For example see Figs. 8-12; col. 3, lines 1-13; col. 5, line 63 through col. 6, line 38; wherein the address field such as “SAPI” in the PDP context is obvious for being used to identify the connection end point with its relative priority and QoS on the user/network side of the LLC

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interface of the GPRS during the handover or relocation) and, due to the XID/PDCP parameter request (“*responsive to the indicator for the change from old to new SAPI*”), setting the timing (“*setting the timer*”) when the new parameters are to take effect for use at the originator, e.g. the mobile station ‘MS’ (“*user equipment device or UE*”) or network side, and stopping the timer (“*terminating the old SAPI*”), during the handover or relocation (For example see Figs. 3-4, 8-12; col. 1, line 44 through col. 2, line 27; col. 6, lines 1-38).

- Regarding claims 2 and 6, **Suumäki** further discloses where the old XID/PDCP parameter values are continued to use until receiving the XID/PDCP negotiation response (“*compression for new SAPI*”) for stopping the timer (For example see Figs. 8-12; col. 5, line 63 through col. 7, line 45) and where the old and new parameters are used for incoming packets (“*keeping the old SAPI active and handling messages received on both old and new SAPI*”; For example see Figs. 8-12; col. 6, line 27-38; col. 9, lines 19-23) during the handover or relocation.

- In regard to claim 3, **Suumäki** does disclose about setting the fixed minimum time, e.g. timer, for the negotiation parameter (For example see col. 5, lines 59-62); but fails to explicitly disclose the timer period is set to “*approximately 15 seconds*”; however, it is obvious that setting the time period for the timer is depended from system to system and system engineering choice as matter of choices.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the setting timer period to “*approximately 15 seconds*” in

Suumäki's timer period, with the motivation being to provide timing when the new parameters are to take effect for use as system engineering matter of choices.

- Regarding claim 4, **Suumäki** does disclose about the method setting timer for changing or renegotiating parameters during handover or relocation as discussed above; but fails to explicitly disclose about the "*computer program code*"; however, translation such method to the "*computer program code*" as deemed to be obvious.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to having the method readily available to translate the method into program to provide the claimed invention, with motivation as to provide an automatic system to perform changing/negotiating parameters during handover or relocation with setting timer.

- In regard to claim 7, **Suumäki** further discloses about the telecommunication device and network including the radio access network and providing GPRS (For example see Figs 1A-B, 2A-B; Abstract; col. 1, lines 12-43), for negotiating parameter for use between the originator and receiver in the mobile telecommunications system (For example see Fig. 12; col. 7, line 46 through col. 8, line 11).

- Regarding to claims 8 and 9, **Suumäki** discloses in Figs. 1-12 and in the respective portions of the specification about the system and method for changing parameters and improving the XID parameter renegotiation, during the connection in both the General Packet Radio Service '*GPRS*' and the proposed Universal Mobile Telecommunications System '*UMTS*'

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(“*radio access network*”) for mobile telecommunication (For example see Figs 1A-B, 2A-B; Abstract; col. 1, lines 12-43), by changing indicator usage (“*changing in the SAPI connection*”; For example see Figs. 8-12; col. 3, lines 1-13; col. 5, line 63 through col. 6, line 38; wherein the address field such as “SAPI” in the PDP context is obvious for being used to identify the connection end point with its relative priority and QoS on the user/network side of the LLC interface of the GPRS during the handover or relocation); the originator, e.g. the mobile station ‘MS’ (“*user equipment device or UE*”) or network side, renegotiates for changing the XID/PDCP parameter (“*request to change to new SAPP*”) during the handover or relocation, removing old XID/PDCP parameters, providing new XID/PDCP parameters (“*removing the old compressions and providing the new compressions*”; For example see Figs. 3-4, 8-12; col. 1, line 44 through col. 2, line 27; col. 6, lines 1-38); where the old XID/PDCP parameter values are continued to use until receiving the XID/PDCP negotiation response (“*compression for new SAPP*”) for stopping the timer (For example see Figs. 8-12; col. 5, line 63 through col. 7, line 45) and where the old and new parameters are used for incoming packets (“*keeping the old SAPI active and handling messages received on both old and new SAPP*”; For example see Figs. 8-12; col. 6, line 27-38; col. 9, lines 19-23) during the handover or relocation.

- In regard to claim 10, **Suumäki** further discloses about the system, the telecommunication device and network including the radio access network and providing GPRS (For example see Figs 1A-B, 2A-B; Abstract; col. 1, lines 12-43), with means for negotiating parameter for use between the originator and receiver in the mobile telecommunications system (For example see Fig. 12; col. 7, line 46 through col. 8, line 11).

Response to Arguments

6. Applicant's arguments filed on March 3rd, 2005 have been fully considered but they are not persuasive.

In response to Applicant's argument that the references fail to show a certain feature of Applicant's invention, it is noted that the feature upon which Applicant relies (i.e., the relationships between SNDC and LLC protocol layers, and between NSAPIs and SAPIs; wherein the SAPI, which are depicted in Fig. 5 of the specification, is the SAPI associated with the LLC layer [see Remarks pages 7-8]; or wherein the changing QoS class is the requirement of the reassignment of SAPIs [see Remarks pages 9-10]) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

In regard to claims 1 and 5, Applicant argues that **Josse** fails to disclose the “*step, responsive to the indication from the network of the change from the old SAPI to the new SAPI, of setting the timer for a period of time*”. Examiner respectfully disagrees. **Josse** does disclose about the ‘attach request message’ from the mobile station to the new SGSN and the ‘attach accept message’ from the new SGSN to the mobile station in Figs. 3-3A, 4-4A (“*indication from the network*”) when the mobile station moves from the old SGSN to a new SGSN (see Figs. 1-2), a new GPRS attach, PDP context activation, logical link is established due to regional, national,

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or international restrictions (*“change from the old SAPI to the new SAPI”*; For example see col. 14, lines 1-12; col. 7, lines 9-14; wherein, it is inherent that the *“new SAPI”* for the new SGSN is established for using, instead of the *“old SAPI”* for the old SGSN). **Josse** also discloses about the construct of the SGSN mobility management ‘MM’ and PDP contexts at the new SGSN (For example see col. 9, lines 29-32; Table 3; wherein, it is inherent that the requested, negotiated and selected QoS Profile subscribed in the PDP context, disclosed in Table 3, are used for creating a new SAPI at the new SGSN; since different QoSs require different SAPIs). **Josse** also discloses about the *“setting the timer for a period of time”* at the mobile station and at the SGSN (For example see Figs. 5A-B). Therefore, Examiner concludes that **Josse** teaches the arguable features.

In regard to claims 1-10, Applicant argues that **Suumäki** fails to disclose the *“step, responsive to the indication from the network of the change from the old SAPI to the new SAPI, of setting the timer for a period of time”*. Examiner respectfully disagrees. **Suumäki** does disclose about the (re)negotiated parameters during handover, i.e. exchange identification ‘XID’, which includes parameters used in the Logical Link Control ‘LLC’ and Subnetwork Dependent Convergence Protocol ‘SND CP’ layer in GPRS during setup such as compression algorithms and QoS requirements (For example see col. 1, lines 15-35); or PD CP negotiation during SRNS relocation in UMTS. When handover in the GPRS, a need to renegotiate XID parameters between the mobile station and the new Serving GPRS Support Node ‘SGSN’ is required for new compression algorithms or QoS requirements, and it is obvious that, new compression algorithm or new QoS requirement requires new SAPI (For example see col. 2, lines 17-27; since

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different QoS requires different SAPI connection), e.g. *“responsive to the indication from the network of the change from the old SAPI to the new SAPI”*. **Suumäki** also discloses about the *“setting the timer for a period of time”* during the XID/PDCP parameter negotiation (For example see col. 6, lines 1-38). Therefore, Examiner concludes that **Suumäki** teaches the arguable features.

Conclusion

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan
July 11, 2005



BRIAN NGUYEN
PRIMARY EXAMINER